

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LAUSTEVEION JOHNSON,

Plaintiff,

v.

KARA LEGRAND, *et al.*,

Defendants.

Case No. 3:22-CV-00081-ART-CLB

**ORDER GRANTING MOTION TO STAY
PROCEEDINGS, DENYING WITH LEAVE
TO REFILE MOTION FOR SUMMARY
JUDGMENT, AND DENYING AS MOOT
MOTION TO EXTEND TIME**

[ECF Nos. 26, 28, 29]

Before the Court is Plaintiff Lausteveion Johnson's ("Johnson") motion to stay proceedings, (ECF No. 28), and motion to extend time, (ECF No. 29). Also before the Court is Defendants Tamara Bartel, Travis Bennett, Kelly Belanger, Trevor Bradshaw, Stephen Clark, Scott Davis, Myles Etcheberry, Jordan Jones, and Kara LeGrand's (collectively referred to as "Defendants") motion for summary judgment, (ECF No. 26). Each is discussed in turn.

First, according to Johnson's motion to stay, he was granted parole and will be released from prison between April 23, 2023 and April 30, 2023, and will not have access to his legal materials for a period of time. (ECF No. 28.) Thus, Johnson asks the Court to stay his case until May 20, 2023. (*Id.*)

It is well established that district courts have the inherent power to control their dockets and manage their affairs; this includes the power to strike or deny motions to streamline motion practice and promote judicial efficiency. *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404–05 (9th Cir. 2010); *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Additionally, "the power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis*, 299 U.S. at 254. When exercising that discretion, courts are guided by the goals of securing the just, speedy, and inexpensive resolution of actions. See FED. R. CIV. P. 1.

1 To that end, the Court considers several articulated factors when deciding whether
2 to stay a case: “the competing interests which will be affected by the granting or refusal
3 to grant a stay must be weighed” including the possible damage which may result from
4 the granting of a stay, the hardship or inequity which a party may suffer in being required
5 to go forward, and the orderly course of justice measured in terms of the simplifying or
6 complicating of issues, proof, and questions of law which could be expected to result from
7 a stay.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962).

8 The Court has considered these factors and finds, in the exercise of its sound
9 discretion, that a brief stay of these proceedings until **June 15, 2023** is appropriate.

10 The Court additionally notes that pursuant to Nevada Local Rule of Practice IA 3-
11 1, a “pro se party must immediately file with the court written notification of any change of
12 mailing address ... Failure to comply with this rule may result in the dismissal of the
13 action, entry of default judgment, or other sanctions as deemed appropriate by the court.”
14 Nev. Loc. R. IA 3-1. Thus, Johnson must file his notice of change of address once he has
15 been released from custody.

16 Finally, because the Court is granting a stay in this case, and for purposes of
17 judicial economy, the Court finds it appropriate to deny with leave to refile, the motion for
18 summary judgment, (ECF No. 26). Accordingly, Johnson’s motion to extend time, (ECF
19 No. 29), is denied as moot.

20 Consistent with the above, and for good cause appearing, **IT IS ORDERED** that
21 Johnson’s motion to stay proceedings, (ECF No. 28), is **GRANTED**.

22 **IT IS FURTHER ORDERED** that this action is **STAYED** until **June 15, 2023**, at
23 which point the stay shall be automatically lifted.

24 **IT IS FURTHER ORDERED** that Johnson shall file, as soon as practicable, his
25 updated address with the Court.

26 **IT IS FURTHER ORDERED** that Defendants’ motion for summary judgment, (ECF
27 No. 26), is **DENIED with leave to refile**, following the lifting of the stay.

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1 **IT IS FURTHER ORDERED** that Johnson's motion to extend time, (ECF No. 29),
2 is **DENIED** as moot.

3 **IT IS SO ORDERED.**

4 **DATED:** April 12, 2023.


UNITED STATES MAGISTRATE JUDGE